



Mid-Month Council Meeting Minutes June 18, 2014 - 7:00 pm

Meeting: 7:00 pm

I. Call to Order: 7:00 pm

II. Opening Ceremonies

- a. Roll Call: Mayor Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CW Cindy Cook, TA Fred Townsend, TE Owen Hyne, TM Dawson Green, TC Cathy Beaver
- b. Recognition of Visitors: 0
- c. Pledge of Allegiance: Pledge was said
- d. Announcements:
 - Town Hall closed July 4, 2014 for Independence Day

III. Additions/Deletions to Published Agenda

- a. CM Ness motioned, CW Gorman seconded with unanimous vote to accept the agenda as written.

IV. Council Minutes

- a. Approval of May 21, 2014 Mid-month minutes
- b. Approval of June 4, 2014 Council minutes
- c. CM Ness motioned, CW Gorman seconded with unanimous vote to accept the minutes as written.

V. Reports

- a. Fred Townsend III, Town Attorney
 - Received a call from leg hall, they have some questions about our charter, forwarded the questions to Joel Esler and Mayor Hatton. Did this because former CM Esler was the head of this project.
 - One of the issues being questioned are the changes in the annexation procedure.
 - Mayor Hatton stated the charter Council approved has the process with no changes, the changes must have happened between IPA and Leg Hall. It must have been missed being put in.
 - TA Townsend said there is a difference; a lot of parts were left out.
 - After more discussion it was determined that this section was changed to read we will abide by the state laws for annexation. The annexation process in the current charter is not followed; have to abide by state laws.
 - TA Townsend said in section 2.1.2.30 there is reference to the Town naming streets; this must have come from a very old charter. This is a DelDot function, the Town cannot name streets.
 - The Governor's office pointed out section 8.4.1; there are 4 lines about assessments (property taxes); Governor's office said there is a lack of clarity. Don't know if it was supposed to be modified. Danielle Blount of the Governor's office hasn't returned any of my calls today. TA Townsend recommended Mayor Hatton call the Governor's office about this.
 - TA Townsend recommended he and TM Green work tomorrow on clearing up the language that is in question. He added we only have a 50/50 chance this charter will be passed.
 - Mayor Hatton said he will email TA Townsend an electronic draft of the charter with the changes Council approved.
 - TA Townsend drafted a FOIA request on the sewer capacity.
 - Mayor Hatton explained we have an issue going on with NCC in trying to understand the sewer agreement with them and to see if there is any flexibility in getting out of the agreement. They have refused to give us any information in a year. So, we had TA Townsend draw up a FOIA request so we can get the information. He is also looking into other avenues to get us out of the agreement and go somewhere else for our sewer. Mayor Hatton added he believes the NCC numbers are wrong and that Townsend has a lot more sewer capacity left than they are saying.
 - TA Townsend said TE Hyne and Chris Fazio helped him with this. Chris had a lot of knowledge from the time NCC ran sewer in Townsend and the agreement. We are trying to find out if there was any debt service related to a sewer expansion, if there wasn't then we have given them something for nothing and there is a lack of consideration and potentially the agreement may not be enforceable against Townsend. The principle of the agreement was if NCC was going to engage in capital expenditures to enhance this sewer district then they needed to be able to depend on us to be their client for a reasonable amount of time so they could recover their investment. In exchange for that we said

we would contract with them only for 25 years. If it turns out that they didn't have to expand to meet our needs and didn't spend any money, or if they have recovered the money already, then they may not have a right to hold us to the agreement. That would allow us to negotiate with anyone else that could provide us the same services.

- Mayor Hatton said we could re-negotiate the contract with the county so it is more favorable to the Town rather than being completely one sided. The way the contract is written now, we gave them everything, Town gets nothing and we have to depend on them for the service versus having some cost sharing.

- TA Townsend said there are still properties in need of enforcement action. Mr. Green has also talked with Dave Naples. Looks like the next two properties to be addressed are owned by Miles Jones.

- Mayor Hatton clarified these properties are on Gray Street.

- TA Townsend said yes. Need to think about a date at least 30 days out to send notice to different properties.

- After discussion, it was decided to have a public hearing about these derelict properties prior to the August 6th meeting at 7:00 pm.

b. Owen Hyne, Town Engineer

- Spoke with Rob Allen, they are doing Phase 3a, there are 28 lots. They are running out of vacant lots in TVI that are ready to build on and there is a demand for them. Have discussed possibly taking a small number of the 28 lots and bonding the remaining improvements. At this time he isn't sure which lots it will be or how many but is looking at 5 lots. This may come up soon.

- Capital Development Partners are moving along. The parking lot is sub based; the structure is onsite and will be erected. The site improvements will then pick back up.

- Have a change order for the streetscape to be discussed later.

- TM Green asked if TE Hyne had talked to Capital Development about being consistent with the streetscape when they do the sidewalks.

- TE Hyne said he has talked to Frank Casson and the engineer. With the knowledge that the streetscape will be extended to Rt. 71, we have asked them to implementing some of the streetscape features right now while they are constructing their new facility. Not only will it save the Town money but will be a nice thing for them as there will be less work in front of their property when the time comes. Their current site plan has a curb, a 5' strip of grass where trees will be planted and a 5' sidewalk. This is different from the streetscape where we have curb, a brick strip and then sidewalk. The easiest option would be for them to put a row of brick next to the sidewalk and take the trees that they plan on putting in the grass strip and move them behind the sidewalk. The question for Council is whether or not to have them do this and secondly, to continue this around the property on Rt. 71.

- Mayor Hatton said the scary thing is, that end of Town is going to look like the other end of Town once it's done. If they put the trees in, we will move them. The original streetscape plan that DelDot approved goes to Rt. 71 and ends on Main Street, it doesn't go around the corner.

- TE Hyne added that the improvements Capital Development agrees to do will also have to be approved by DelDot.

- Council agreed to have TE Hyne talk to Capital Development about doing the sidewalks around the entire property to match the streetscape and move the trees back behind the sidewalks.

- There was a long discussion about Capital Development Partners having to get the landscape plans approved again if they are changed.

- TE Hyne said the streetscape contractor just received their first payment for work done. They won't be back until Friday as they said they aren't getting paid on time. He added he will talk to them about this; it isn't the Town's fault that DelDot didn't cut the check sooner.

- TE Hyne said he is almost done reviewing all the submittals for the park electric. They won't be working for several more weeks; they are ordering all their material.

c. Dawson Green, Town Manager

- Took the radar machine apart and sent the circuit board and sensor to be fixed. Was told it is still in good shape, it will be cleaned and the sensors changed and will cost \$180.00. Hope to have it back by Friday.

- CM Ness asked TM Green to put it on Wiggins Mill Road once it is fixed.

VI. Mayor's Report

a. Review/Approval of Resolution 2014-02: Retirement of DLLG Executive Director

- As everyone knows, George Wright is retiring from the league. Had Azure put a resolution together from the Town. Mr. Wright was very instrumental in helping the Town get Workman's comp thru DFIT. Saved all municipalities a lot of money. He has been in politics for 45 years. We will present this to him at the retirement dinner tomorrow night.

VII. Committee Report

a. Finance: Chair – Mayor Jermaine Hatton

- Vote to approve FY 2014-2015 budget

1. CM Ness motioned, CW seconded with unanimous vote to approve the budget for FY 2014-2015.

2. CM Ness stated he will bring R911 up later in the meeting.

3. Mayor Hatton said it has been added to the budget.

4. The auditors will start the audit review on 7/7/14. Our financial officer will have all the information sent to them by then and they will be onsite in mid-August to finish it up. We are moving much quicker than in the past, hope to have the results in September.

b. Public Works: Chair - CM Rudy Sutton

- Discussion/possible vote on making roads on both sides of DE Homes Realtor one way

1. Mayor stated we discussed this issue in the past.

2. CM Ness motioned, CW Gorman seconded to approve making Commerce Street between Little Italy and DE Homes one way going northbound and install one way, do not enter and stop signs.

3. TE Hyne stated his recommendation did not include making Gray Street on the far side of DE Homes one way, it will not be impacted.

4. After discussion, TE Hyne will include making Gray Street next to DE Homes one way also after he looks at it, it will be safer for all.

5. CM Ness amended his motion to include making Gray Street between DE Homes and the railroad one way going south. CW Gorman seconded the motion with unanimous vote.

6. TM Green asked if there has to be a public hearing for this since the signage is being changed.

7. TA Townsend said not in this case, at an earlier meeting we discussed changing a one way street back to a two way street and he would recommend a public hearing for that but it isn't necessary in this case.

- Discussion/possible vote on Streetscape Change Order #5

1. TE Hyne said this change order accommodates several changes to the contract, adds some things and subtracts some things that are no longer needed. We are adding some curb ramp area. The curb ramp areas that have currently been built aren't well defined so additional area will be added in. We are also adding thermo-plastic striping to replace the patterned crosswalks. We are adding some concrete saw-cutting to hand cut the concrete out that is under the blacktop. We are also adding flagger hours. We have added this to the contract in the past. We are trying to keep a very tight rein on the flagger usage. They have asked for 600 additional hours, I recommend 400 additional hours.

2. TE Hyne said DelDot is going to pave the streetscape before the striping work is done. DelDot has not told us when this will be done but our contractor should be done in a month to month and half. We should have more information soon from DelDot. Some of the paving work the contractor was going to do, DelDot is now doing, that is one reduction. We are using a little less sidewalk, reduces the cost.

3. TM Green asked TE Hyne to contact Todd tomorrow about Change-order we gave a 45 day extension which takes them to end of July. Would like Grassbusters to get as much done as possible so we don't have to have another extension.

4. TE Hyne stated DelDot plans on using Grassbusters for the paving but will notify Todd.

5. Mayor Hatton said this has to be done by 9/27/14.

6. TE Hyne said the decorative sidewalks are being replaced with piano key crosswalks which is another reduction in cost. Change-order number 5.01 is the brick sidewalk in front of the masonry building. Concrete isn't being done there and we had to repair some of the damaged brick that was removed for the new curb. With this change-order, the Town is left with approximately \$12,000 in contingency money for the project. He added his goal is to come in under budget unless something is changed from the initial scope of work.

7. CM Ness motioned, CW Gorman seconded with unanimous vote to accept change-order #5.

c. Land Use & Development: Chair – Mayor Jermaine Hatton

- Council discussion/approval/vote to annex 660 Commerce Street – new owner of property requested to annex into Town, is currently an enclave.

1. The new homeowner of the property at 660 Commerce Street has asked to annex the property into Town limits. This is an enclave and doesn't have to go before the PLUS committee.

2. CM Ness motioned, CW Gorman seconded with unanimous vote to approve annexation of 660 Commerce Street.

3. Mayor Hatton said he and TM Green met with Chesapeake utilities today. Chesapeake is considered a secondary utility, discussed getting natural gas on Main Street. Talked about potentially getting a franchise agreement with them. They will get back to us next week.

d. Community Relations: Chair – CW Cindy Cook

- CW Cook said CW Gorman suggested welcoming new residents to Town should fall under this committee and some of us have started this process. I received great feedback from the new residents I visited.

- CW Gorman said she also received great feedback as did CM Sutton. It is a great initiative, can only do good.

- Council agreed this should be under this committee.

- CW Cook said she would like to work on the Facebook page. It is a very important tool for social media. It can be used to engage people in the fair, selling merchandise and many other things.

- After a long discussion, Council agreed to give CW Cook control of Facebook.

e. Public Safety: Chair – CM John Ness

- R911 – Impact to Townsend due to Middletown installing new system

1. Sent all the information to Council, if we piggyback on Middletown for R911 we can push messages to residents, they are getting a new R911 system, it will be cloud based and we will have to pay a fee to piggyback. It will be approximately \$1,000.00 per year for the next 3 years. Would like permission from Council to tell Middletown we are in.

2. Mayor Hatton said he talked to Kristen Krenzer and she added we could have access to the system ourselves rather than them having to call our residents, although she doesn't mind calling for us.

3. CW Gorman motioned, CW Cook seconded with a unanimous vote to approve piggybacking Middletown R911 effective immediately.

4. Mayor Hatton asked CM Ness to call Lt. P. to let him know there is some illegal activity going on in TVII West and excessive speeding on Wiggins Mill Road.

5. CW Cook asked CM Ness if he had any news about the vandalism (egg throwing) in TVI. It happened the day after school was out; one resident has a video tape of it. I called the police as did several other residents.

6. CM Ness said he will look into it.

f. Charter & Ordinance: Chair -

- After discussion, CM Ness motioned, CW Cook seconded with unanimous vote to eliminate this committee until such a time we need to re-establish it.

g. Parks & Recreation: Chair – CW Lorraine Gorman

- The new mulch is in the playground area and looks really nice and can really tell the difference when you walk on it.

- We are replacing the stolen swing seat.

- Having trouble getting a bid to fix the small gazebo.

- Mayor Hatton said CM Sutton just texted him that a contractor will have an estimate in by the end of the week for the small gazebo.

- CW Gorman said we received 3 estimates for the parking lot striping at the park. The lines are very faded. The 3 bids are for \$2,000.00, \$945.00 and \$505.00. This would all be under park maintenance and feel we should move forward with it. The park would have to be closed the day they do this.

- Townsend Municipal Park Electrical Improvements

1. Discussion/possible vote on Change Order #1 – conduit painting
 - a. This change-order will match the color of the paint on the building, will be an extra \$1,300.00 but will look much nicer than silver conduit running up the wall.
 - b. CM Ness motioned, CW Cook seconded with unanimous vote to paint the conduit.
 - c. TM Green will check to see if part of this would be covered in the grant.
2. Discussion/possible vote on Change Order #2 – light switch timers
 - a. I originally thought this was a good idea but don't think so now, the timers are set for only one hour. TE Hyne said you can get others, but they are more expensive. The advantage is no one can ever leave the lights on.
 - b. Mayor Hatton asked if there will be a lock box for the lights.
 - c. TE Hyne said no, the lock box is for the electric box. However, the lights they are using include a lifetime warranty, including against vandalism.
 - d. After a long discussion, Council asked TE Hyne to check to see what kind of protection we can get for the light switches to prevent damage.
 - e. There won't be a vote on this change-order until TE Hyne gets more information.

- Annual Townsend Fair & Parade – Saturday, September 27, 2014

1. Sponsorships still coming in, vendors signing up.
2. Need more adult volunteers, CW Cook will put something on Facebook.
3. We need 2 re-placement clowns; both our previous teenage girls will be in college.
4. Considering having our own photo booth, we can have props and costumes and use the small gazebo as a back-drop. People can pick their prop and costume and do selfie pictures. It will be free but something more to do at the fair.

VIII. Citizens Comments & Participation:

- a. TM Green said for the past 6 years there has been a portable basketball hoop that at times is on the person's property and sometimes in the open space. A neighbor thinks it is an eyesore and has complained to the Town for 6 years. He asked TM Green if there is anything he can do about this.
- b. TA Townsend clarified it is on the person's property and when not being used it is laid down in the back yard (sometimes in the open space). There is nothing the Town can do about this.
- c. TM Green stated another issue he has been dealing with is the property owner is deceased, the son lives in the house and sent a letter to the resident in care of the son. He keeps piling things on the sidewalk and has actually destroyed the sidewalk; he put a trench in his yard and cut a section of the sidewalk out so water will drain into the street. The son won't pick up his letters, I have gone there and knocked on the door, I know he is home and he won't answer the door. The sidewalks are Town property, it is a safety issue, so I have moved "stuff" back into his yard on his property but the property as a whole is really bad. He won't pick up the letters and I don't know what to do.
- d. CM Ness asked for clarification on what he did to the sidewalk.
- e. TM Green said he cut a hole in it and put a hose through it to try and drain water from his property. I was out there with DNREC and he was outside and I told him then the sidewalk is Town property and he has to fix it and needs to come to the Town Hall to get a permit. He has done nothing. Now I'm starting to smell sewage there. It is really a mess, really bad.
- f. CM Ness asked where the property is and TM Green said on Taylor Street.
- g. TA Townsend said we could cite him for a number of violations. We could cite him for destruction of Town property and place a lien on the property.
- h. TM Green said he isn't the property owner. The owner of record shows the father still owns the property.
- i. After more discussion, TM Green will call CW Gorman tomorrow and she will find out if the son is now the owner of the property through the register of wills. Many people don't change the deeds.
- j. Mayor Hatton asked if they owe the Town any money.
- k. TM Green said trash has been cut off for a long time, will have to check on taxes.

IX. Executive Session: Closed session pursuant to 29 Del.C. §10004(b)(2) preliminary discussions on site acquisitions

- a. CM Ness motioned, CW Gorman seconded to go into executive session to have preliminary discussions on site acquisitions. Vote: unanimous.

X. Adjournment: 10:00 pm, CM Ness motioned, CW Gorman seconded with unanimous vote.
